

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
FELIX MORALES, :
:
Petitioner, :
: 21-CV-3177 (JMF)
-v- :
:
JAIFA COLLADO, :
:
Respondent. :
:
-----X

JESSE M. FURMAN, United States District Judge:

By letter docketed on April 11, 2022, Petitioner Felix Morales requests appointment of counsel in connection with this case. *See* ECF No. 31. A court may, in its discretion, appoint counsel for “any financially eligible person” where “the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). In determining whether to appoint counsel, a habeas court

should first determine whether the indigent’s position seems likely to be of substance. If the claim meets this threshold requirement, the court should then consider the indigent’s ability to investigate the crucial facts, whether conflicting evidence implicating the need for cross-examination will be the major proof presented to the fact finder, the indigent’s ability to present the case, the complexity of the legal issues and any special reason in that case why appointment of counsel would be more likely to lead to a just determination.

Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986). When a petitioner’s claims may “fairly be heard on written submissions,’ a habeas petitioner’s request for counsel should ordinarily be denied.” *Reynolds v. Greene*, No. 05-CV-1539 (DNH), 2010 WL 604179, at *2 (N.D.N.Y. Feb. 16, 2010).

ORDER

Applying the foregoing standards here, the Court concludes that there is no basis at this time to appoint counsel. Accordingly, Morales's request is DENIED.

Per the Court's Order of January 21, 2022, *see* ECF No. 30, Morales's deadline to file a reply brief remains **June 1, 2022**. As noted there, following Petitioner's court appearance on May 5, 2022, Petitioner may file a letter updating the Court regarding the timing of his return to New York and stating whether he seeks an extension beyond June 1, 2022.

The Clerk of Court is directed to mail a copy of this Order to Petitioner.

SO ORDERED.

Dated: April 15, 2022
New York, New York



JESSE M. FURMAN
United States District Judge